

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RONALD CHARLES HESS,)	
)	
Petitioner,)	
vs.)	NO. CIV-10-1360-HE
)	
ERIC FRANKLIN, Warden,)	
)	
Respondent.)	

ORDER


Petitioner Ronald Charles Hess, a state prisoner appearing *pro se*, filed this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Doyle W. Argo. He has recommended that respondent's motion to dismiss be granted because the petition is time-barred.

Petitioner failed to object to the magistrate judge's Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(C).

Accordingly, the court adopts Magistrate Judge Argo's Report and Recommendation and grants respondent's motion [Doc. #8]. The petition for writ of habeas corpus is dismissed. A certificate of appealability is denied, as the court has found petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

Dated this 27th day of April, 2011.



JOE HEATON
UNITED STATES DISTRICT JUDGE